



# Board of Adjustment Agenda Item Summary Report

<b>Meeting Date:</b> August 24, 2021	<b>Submitted by:</b> P. Morgan
<b>Item Title:</b>	
Hold a public hearing and discuss and consider approval of a parking variance and a landscape variance for the Forney ISD Bell Opportunity Central, located at the northeast corner of Innovation Boulevard and Inspiration Way.	
<b>Consent Item</b> [ <input type="checkbox"/> ] <b>Public Hearing Item</b> [X] <b>Action Item</b> [ <input type="checkbox"/> ]	<b>Documentation Attached:</b> Application Letter Plans
<b>Item Summary</b>	
<p>Forney ISD requests approval of variances to the City of Forney parking and landscape regulations. The variances are requested in relation to the site design for the Bell Opportunity Central building.</p> <p>The Bell Opportunity Central is a multi-purpose Forney ISD facility proposed at the northeast corner of Innovation Boulevard and Inspiration Way. The facility is proposed to the north of the new Jackson Middle School and Rhodes Intermediate School.</p> <p>The application letter details the proposed uses, which include school, theatre, retail, and a multi-purpose gymnasium. Based on Zoning Ordinance section 38.6, the facility requires a total of 3,151 parking spaces. Forney ISD is requesting a variance to that requirement. The 6,000-seat gymnasium is not intended for daytime use while the rest of the building operates during normal hours. For this reason, the applicant is requesting that the minimum required parking spaces is set at 2,000 total spaces. This would accommodate the entirety of the other use capacities. During large events, the ISD can also use the 393 spaces on-site at the Jackson Middle School and Rhodes Intermediate School.</p> <p>Forney ISD also requests a variance to the landscape standards provided in Zoning Ordinance section 39.6.D. The Ordinance states:</p> <p style="padding-left: 40px;">“There shall be a landscaped area with at least one (1) tree within sixty feet (60’) of every parking space. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces for parking lots having more than twenty (20) spaces.”</p> <p>A variance is requested for security reasons. The applicant requests to still provide the required number of trees, but proposes placing them around the perimeter of the parking areas and elsewhere on the site, in lieu of landscape islands within each of the parking areas. The application letter states that the use of trees and landscape islands in the center of parking lots provides obstacles for camera coverage and physical supervision.</p> <p>Section 9.6 of the Zoning Ordinance provides variance requirements. It states that no variance shall be granted unless the Board of Adjustment finds:</p> <ol style="list-style-type: none"> <li>1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land; and</li> <li>2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and</li> <li>3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and</li> <li>4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance; and</li> <li>5. That a finding of undue hardship exists (see below).</li> </ol>	

In order to grant a variance, the Board of Adjustment must make written findings that an undue hardship exists, using the following criteria:

1. That literal enforcement of the controls will create an unnecessary hardship in the development of the affected property; and
2. That the situation causing the hardship or difficulty is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district; and
3. That the relief sought will not injure the permitted use of adjacent conforming property and
4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

Staff recommends approval of both variance requests.